

U.S. Patent Application Serial No. 10/620,549
Reply to Office Action dated November 30, 2006

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REMARKS

Applicant has read and considered the Office Action dated November 30, 2006 and the references cited therein. Claims 1, 2, 4-7, 13-18 are currently pending. Claims 1 and 6 have been amended. Claims 13-18 have been added.

35 U.S.C. § 112 Rejection

In the Office Action dated November 30, 2006, claim 6 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. More specifically, the usage of the term "configured" was found to be vague by the Examiner. Applicant has amended claim 6 by removing the term "configured". As Applicant believes amended claim 6 resolves the indefiniteness issue, Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. § 103 Rejection

In the Office Action dated November 30, 2006, claims 1-2 and 4-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,454,600 ("Floyd") in view of U.S. Pat. No. 5,885,229 ("Yamato").

As correctly noted in the Office Action, Floyd discloses in col. 4, lns. 27-30 "an infinite array of illustrations, images, scenes, etc. [that] may be formed on [a] personal identification label." But, as was correctly noted in the Office Action, Floyd "does not teach an image having two-dimensional sampling of a pressure distribution as claimed wherein differently colored and different shaded elements are present."

The Office Action then combines the teachings of Yamato, the object of which is "to provide a walking pattern processing method capable of collecting spatial and time parameters concerning walking actions" (col. 1, lns. 64-67 and col. 2, ln. 1), with the teachings of Floyd. In Yamato, the walking parameters are collected from a "two-dimensional pressure distribution"

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(col. 2, lns 25-27). Relying on this "two-dimensional pressure distribution," the Office Action states on page 3 that "it would have been obvious to one having ordinary skill in the art to have modified the identification label of Floyd to add the two-dimensional printout image of Yamato because Floyd suggests attaching any printed image to a personal item and Yamato teaches a printed pattern...illustrating walking patterns..." Applicant, however, respectfully disagrees that there is some suggestion or motivation to combine the teachings of Floyd and Yamato.

Applicant respectfully asserts that the generalization that Floyd "suggests attaching any printed image to a personal item" is overly broad and incorrect. While Floyd does state in col. 4, lns. 27-30 that "an infinite array of illustrations, images, scenes, etc. may be formed on [a] personal identification label," Floyd limits those printed images in col. 4, lns. 30-33 to those images that "would all include in common a fingerprint receiving portion which, once a fingerprint is applied, will blend in with the surrounding scene so as to disguise or camouflage the fingerprint." While the Office Action relies on the "two-dimensional pressure distribution" of Yamato to provide the printed image of Floyd, that reliance appears to be unsupported. Nothing in the specification of Floyd suggests the illustrations, images, scenes, etc. described would include the "two-dimensional pressure distributions" of Yamato, especially since these pressure distributions do not contain a fingerprint receiving portion. Instead, the specification of Floyd actually teaches away from using such images since the purpose of the images in Floyd is "to disguise or camouflage" a fingerprint. In other words, the image described in Floyd is to inconspicuously conceal a fingerprint so that "[i]f a child is abducted,...the child abductors will not notice the fingerprint on the label..." (col. 2, lns. 8-10). While the images provided in the specification of Floyd inconspicuously conceal identification, Yamato's "two-dimensional pressure distribution" does not.

In addition, as described in the specification of Yamato, the purpose of the "two-dimensional pressure distributions" is for the measurement of parameters associated with a person's gait. Nothing in Yamato teaches or suggests that these "two-dimensional pressure

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distributions" are unique to an individual or that these "two-dimensional pressure distributions" could be used for purposes of personal identification. Therefore, since Floyd only states that there are "an infinite array of illustrations, images, scenes, etc." that could be used to "disguise or camouflage" a fingerprint in the illustration and does not suggest the use of any other form of identification and since Yamato does not provide any indication that "two-dimensional pressure distributions" could be used for identification purposes, Applicant respectfully asserts that prima facie obviousness has not been established since the Floyd and Yamato references are unrelated and there is no support for combining them.

For the reasons stated above, Applicant further disagrees with the assertion regarding claim 7 that the Applicant's product and the prior art reference's product are the same.

In the interest of expediting prosecution, however, Applicant has amended claim 1 so that the pressure distribution patterns associated with sitting or grasping an object have been removed. Applicant asserts amended claim 1 is in condition for allowance for at least the reasons stated above. As claims 2, 4-7 are dependent on claim 1, Applicant believes these claims to also be in condition for allowance.

New Claims

Applicant has added claims 13-18, support for which is provided in the specification. As Applicant believes these claims are patentably distinguishable over Floyd in view of Yamato for the reasons stated above, Applicant respectfully requests that these claims be allowed.

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In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

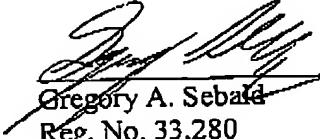


Respectfully submitted,

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3/30/07


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